

POLICING HIGH-TECH EXPORTS

By Jon Zonderman

EARLY THIS MONTH, A FEDERAL grand jury indicted two Californians, two Bulgarians and a Dutchman on charges that they had conspired to export "nonexportable" computer equipment. The equipment — machinery for the manufacture of computer disks — had left Yorba Linda, Calif., for the Netherlands, where it was immediately diverted to Bulgaria. That the Californians had not applied for an export license was the first problem. That the machines were destined for an Eastern bloc nation, where, because of their sophistication, they constituted a "national security concern" was the second (and the larger) one.

The indictment, which followed a year-long investigation by special agents in the United States Customs Service's Operation Exodus program and the Commerce Department's Office of Export Enforcement, points up what, over the course of the last decade, has become increasingly obvious to scientists, business executives and Government officials alike: Ever since the end of World War II, the Soviet Union and its satellites have found it more economical to acquire Western technology than to develop their own. What's more, many of these experts believe, the Russians have siphoned off so much of that technology that America's already slim lead time in the production of sophisticated weapons systems has been seriously jeopardized.

The academics are very upset indeed. In January 1982, a gathering of the American Association for the Advancement of Science was told by Adm. Bobby R. Inman, then deputy director of Central Intelligence, that scientists were letting a lot of valuable information go to the Russians. Admiral Inman suggested that the academics and industrial researchers think twice about publishing sensitive information in such areas as computers, lasers

and crop projections and that they even consider setting up a system by which Government officials could review research results to determine whether they ought to be made public. The implied threat was: If you don't do it voluntarily, we may pass a law that makes you do it.

The response from the scientific community was swift, forceful and — for a community that had always been isolated in its laboratories — surprisingly unified. The A.A.A.S.'s Committee on Scientific Freedom and Responsibility began a newsletter in September 1982 aimed at keeping members up to date on information-control policy. The same month, the National Academy of Sciences issued a report entitled "Scientific Communication and National Security." The report's authors, who had received a number of classified briefings from intelligence officers, concluded that the problem of siphoned technology was both "substantial and serious," but found "no specific evidence of damage to U.S. national security caused by information obtained from U.S. academic sources." "To attempt to restrict access to basic research," the report went on, "would require casting a new set of controls over wide areas of science that could be extremely damaging to overall scientific and economic advance as well as to military progress."

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While the Customs Service continues to spot-check hundreds of outgoing parcels each day and Dr. Bryen's office at the Pentagon pushes for greater control over information, other Government groups are trying to work with the business and scientific communities. One of these is the Commerce Department, where the feeling has always been that the majority of business people will abide by export laws if those laws are fair, can be easily dealt with and do not cause pointless delays.

"Voluntary compliance among the private sector is the first line of defense," Theodore Wu argues. "Prosecution, no matter how successful, does not get back lost technology." Compliance, he asserts, does not just mean completing the paperwork, but informing the Government of suspicious activities. "If someone else is sacrificing the national interest for short-term gain, the industry must be willing to inform the Government of it."

Mr. Wu tries to downplay the battle for turf that Commerce and Customs are waging. He stresses the inter-agency nature of groups he has headed, groups that have met with export-control personnel from other countries, whose members are drawn from the Departments of State and Defense, the F.B.I., and the intelligence agencies, as well as Customs and Commerce. Still, there is a great deal of friction. "We have terrible problems with the Commerce Department," says Customs' William Rudman. "They are precisely duplicating our effort, looking for the same sources of information. If those sources give the information to Customs, Commerce is upset. If they give it to Commerce, Customs is angry."

Meanwhile, in the legislature, Congressmen and Senators fight to award the export-control pie to their preferred agency. The House, which passed its version of the new Export Administration Act during the last week of October, without seeking to terminate Operation Exodus gives the powers of enforcement to Commerce. The Senate version, which the Administration supports and which has been under consideration for several months, gives the powers to Customs. A conference committee will probably be established to resolve the differences; if not, the issue could still be in limbo come spring. Whatever the timetable, it is expected that some kind of shared enforcement role will ultimately be worked out.

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